

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

**Petition for Declaratory Ruling and Rulemaking
Regarding IP-Enabled Dial-around Calls from
Payphones**

WC Docket No. 05-176

COMMENTS OF SPRINT CORPORATION

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May 23, 2005

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The Commission has issued a public notice¹ soliciting comments on a petition for declaratory ruling and rulemaking about IP-enabled dial-around calling from payphones.² Sprint Corporation (“Sprint”) respectfully submits these comments on behalf of its business units that include both a substantial payer of payphone compensation and a recipient of compensation for tens of thousands of payphones nationwide. Sprint also comments as an integrated carrier, with interests in the wireless, long distance, competitive and incumbent local exchange, and Internet services markets. Sprint has actively participated in the Commission’s IP-enabled proceeding and has an interest in the development of VoIP services both as a wholesale and retail provider.³ Because of the broad range of its business interests, Sprint’s positions necessarily reflect a balanced

¹ Public Notice, DA 05-1106 (April 21, 2005).

² Petition of the American Public Communications Council for a Declaratory Ruling and Petition for Rulemaking to Establish that Payphone-Originated IP-Enabled Communications are Subject to Payphone Compensation (filed Mar. 23, 2005) (“Petition”).

³ In the Matter of IP-Enabled Services, WC Docket No. 04-36 (“IP-Enabled Services Proceeding”). See also Notice of Proposed Rulemaking, 19 FCC Rcd 4863 (2004).

view of the issues within the IP-enabled proceeding, including those raised more recently by the APCC's Petition.

I. INTRODUCTION AND SUMMARY

By its Petition and its accompanying motion to consolidate that petition with the IP-Enabled rulemaking,⁴ the American Public Communications Council, Inc. ("APCC") seeks a declaratory ruling to make "explicit" (1) that dial-around calls that originate on the public-switched telephone network are subject to the existing payphone compensation rules, regardless of whether there is an IP-enabled service provider in the transmission path, and (2) that IP-enabled service providers must comply with the compensation rules to the same extent as any other entity.⁵ It also petitions for a rulemaking to amend the payphone compensation rules to provide that IP-originated payphone calls would also be subject to the payphone compensation rules.

Sprint agrees that the issues raised by APCC's petition for a declaratory ruling should be addressed in the Commission's upcoming order in the IP-Enabled Proceeding. The Commission should consolidate APCC's petition for declaratory ruling with that proceeding, but it should deny APCC's request to expedite its petition and instead just issue a comprehensive VoIP order without further delay. That order should confirm that VoIP providers are "carriers" subject to the same rules as traditional telecommunications service providers, including payphone call tracking, reporting, and compensation – both in PSTN-to-PSTN and PSTN-to-IP calling. The Commission must deny APCC's

⁴ Motion to Consolidate and to Expedite, In the Matter of IP-Enabled Services, WC Docket No. 04-36 (filed Mar. 23, 2005) ("Motion").

⁵ Petition at 6.

alternate request that “intermediate carriers” be required to pay for calls handed off to a downstream VoIP services provider.

With a comprehensive order issued in the IP-Enabled Proceeding confirming VoIP providers are subject to Title II, it should be unnecessary to amend the Commission’s payphone compensation rules, as requested by APCC, to “clarify” that VoIP providers are subject to their provisions as “carriers.” Sprint takes no position on APCC’s request for rulemaking on IP-originated payphone calling at this time, except to note that its request should not be allowed to delay Commission action in the IP-Enabled Proceeding, where many other, more critical issues are involved.

II. ISSUES RAISED BY THE PETITION FOR DECLARATORY RULING SHOULD BE ADDRESSED IN THE IP-ENABLED ORDER.

Sprint agrees with APCC that it makes sense to address the declaratory ruling request together with other issues under consideration in the IP-Enabled Proceeding, since payphone compensation rules are in many ways akin to other obligations of carriers under Title II. Certainly, it makes little sense to address them separately.

However, Sprint does not support APCC’s accompanying motion to expedite consideration of its Petition. Sprint agrees that these issues may warrant reasonably prompt Commission action, but it would be inappropriate to give APCC’s Petition a semblance of priority over other issues in the IP-Enabled Proceeding. Granting the motion to expedite should be unnecessary, since the Commission is already in a position to decide the declaratory ruling issues within a comprehensive order on VoIP.

Payphone service providers (“PSPs”) are not the only members of the industry that have an interest in prompt action by the Commission in the IP-Enabled Proceeding

docket. Yes, PSPs have concerns that some VoIP providers may not be paying payphone compensation or complying with call tracking requirements,⁶ either for PSTN-to-PSTN or PSTN-to-IP calling. PSPs understandably have an interest in receiving compensation from telecommunications providers that complete dial-around calls. At the same time, traditional carriers have an interest in ensuring that VoIP competitors do not seize unfair market advantage by avoiding payphone compensation.

The issues raised by the IP-Enabled Proceeding are much larger than the concerns of the payphone industry. For example, ILECs and IXC's have an interest in the application of the access charge regime, and its subsequent reforms, to all service providers. The hearing and speech impaired and the disabled have interests in the application of sections 225 and 255 to all service providers.⁷ Payers and recipients of Universal Service funds have an interest in the application of USF funding obligations on all service providers. Consumers and carriers have an interest in E911/911 access, privacy guarantees, and slamming prohibitions. And all carriers and providers have an interest in a level playing field for all competitors, without artificial regulatory advantages or disadvantages for any player.

Accordingly, the Commission should act promptly to issue an order addressing all aspects of VoIP services, rather than entertaining payphone-specific issues separately.

⁶ Petition at 6-7. APCC notes in particular that iBasis and Callipso Corporation have claimed they are, "voluntarily," paying dial-around compensation to payphone owners. It does not appear, however, that either IP provider has fully complied with the rules, because neither has filed a systems audit report required by 47 C.F.R. § 1320. See Callipso Corp., Motion for Extension of Time, CC Docket No. 96-128 (filed June 23, 2004); Letter of Jonathan Draluck, iBasis, to Marlene Dortch, FCC, CC Docket No. 96-128 (filed Nov. 24, 2004) ("iBasis Letter"). See Petition at Atts. 2, 3.

⁷ 47 U.S.C. §§ 225, 255.

APCC has not shown that the payphone compensation issue is of such exceptional urgency as to warrant expedited treatment on its own right, and by moving to consolidate its Petition with the IP-Enabled Proceeding, it acknowledges that its issue does not need separate and immediate treatment. Because the Commission has already acted reasonably promptly to issue a public notice on the Petition, the declaratory ruling request can be addressed together with the other issues pending in the IP-Enabled Proceeding. Those issues collectively should be addressed with a minimum of further delay. The IP-Enabled Proceeding has already been pending more than a year,⁸ and the need for Commission action is growing more critical every day.

III. THE COMMISSION SHOULD CONFIRM IN THE IP-ENABLED PROCEEDING THAT ALL VOICE SERVICE PROVIDERS ARE SUBJECT TO THE EXISTING PAYPHONE RULES.

A. VoIP providers should be subject to the same rules as traditional carriers for payphone call tracking, reporting, and compensation.

Sprint believes VoIP services should be subject to minimal regulation. As Sprint commented in the IP-Enabled Proceeding, the Commission should be willing to reduce regulatory burdens, where possible, for all services providers.⁹ It can use its forbearance power under section 10,¹⁰ where appropriate, to limit retail level regulation of any provider – including VoIP providers. The Commission has already declined to regulate rates and other terms and conditions of service offered by competitive

⁸ In the Matter of IP-Enabled Services, Notice of Proposed Rulemaking (FCC 04-28), WC Docket No. 04-36 (rel. Mar. 10, 2004).

⁹ Comments of Sprint Corporation, WC Docket No. 04-36 (filed May 28, 2004) (“Sprint VoIP Comments”), at 4-7.

¹⁰ 47 U.S.C. § 160.

telecommunications service providers that lack market power,¹¹ as well as market entry under section 214.¹² Similarly, as competitive entrants VoIP providers should be free from price, entry, and additional statutory requirements such as section 211¹³ and section 212.¹⁴ Forbearance procedures provide an appropriate vehicle for these determinations.

But as Sprint explained in the IP-Enabled Proceeding, VoIP services are offered and function as substitutes for POTS services.¹⁵ The services provided and the degree of market power of the service provider, not the technology used to provide the service, should drive the Commission's regulatory regime.¹⁶ It follows that the Commission's rules should not treat VoIP providers differently for purposes of its payphone compensation rules, whether IP technology is utilized to route a payphone-originated call to a called party connected to the PSTN or to an IP connection.

Sprint also explained that the Commission lacks authority to depart from statutory definitions in addressing IP-enabled services.¹⁷ Modifying classifications of service – as in the Computer II proceedings – was once within the Commission's discretion, subject

¹¹ 47 C.F.R. § 61.19.

¹² 47 C.F.R. § 63.01(a). The Commission nevertheless retained some aspects of section 214 applicable to international services, given the need to protect against abuse of market power by foreign correspondents.

¹³ 47 U.S.C. § 211 (intercarrier contracts).

¹⁴ 47 U.S.C. § 212 (interlocking directorates).

¹⁵ Sprint VoIP Comments at 7-12.

¹⁶ Canada's telecom agency just reached the same conclusion. See Telecom Decision CRTC 2005-28, Regulatory Framework for Voice Communication Services Using Internet Protocol, Canadian Radio-television and Telecommunications Commission (rel. May 12, 2005).

¹⁷ Sprint VoIP Comments at 12-18.

only to the broader jurisdictional limits on its authority.¹⁸ In the 1996 Act, however, Congress legislated its own definitions, including “information service,”¹⁹ “telecommunications,”²⁰ and “telecommunications service.”²¹ Admittedly, Congress fashioned these definitions largely by reference to the Computer Inquiry framework, but by adopting them by statute, Congress removed the Commission’s former discretion to re-classify all or part of services as “information services” where they are within the statutory definition of “telecommunications services.” Given that, the Commission should submit VoIP providers to Title II regulation and the same payphone tracking, reporting, and compensation obligations already imposed on other providers of “telecommunications services.”

B. In PSTN-to-PSTN calling, an IP-enabled provider is a “completing carrier” under the payphone rules.

An IP-enabled service provider that completes a call from the PSTN to the PSTN is, as APCC describes, “a completing carrier and has the compensation obligation under

¹⁸ E.g., Amendment of Section 64.702 of the Commission’s Rules and Regulations (Second Computer Inquiry), Memorandum Opinion and Order, 84 FCC 2d 50, at ¶ 112 (1980) (“even if we shift somewhat the boundary between Title II regulated services and other services ... we have acted within our discretion as an administrative agency.”).

¹⁹ “[T]he offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.” 47 U.S.C. § 153(20).

²⁰ “[T]he transmission, between or among points specified by the user, or information of the user’s choosing, without change in the form or content of the information as sent and received.” 47 U.S.C. § 153(43).

²¹ “[T]he offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.” 47 U.S.C. § 153(46).

the rule.”²² Realistically, the introduction of any IP technology in the call path is purely incidental to the provision of the service, and enhanced or information functions that are purely incidental do not transform basic service into enhanced service.²³ The obligation to comply with payphone compensation rules is no different from telecommunications providers’ obligations to comply with other regulatory mandates, including contributing to Universal Service and Telecommunications Relay Service funds and to compensate other carriers for use of their networks.

The Commission has already found that a PSTN-to-PSTN, IP-enabled service offered by AT&T is subject to access charges, regardless of whether one or more carriers in the call path utilize IP transport.²⁴ The underlying service, the Commission recognized, is a telecommunications service.²⁵ There can be no question that a telecommunications service provider that utilizes IP technology is still a “carrier” when completing a PSTN-to-PSTN call.

Sprint shares APCC’s concern that some telecommunications service providers may be failing to comply with the payphone rules.²⁶ Although non-payment by VoIP providers may not yet be large, certainly the size of the problem will be growing rapidly with the increase in VoIP calling. With the payphone compensation rate now at 49.4

²² Petition at 17.

²³ See AT&T Corp. Petition for Declaratory Ruling Regarding Enhanced Prepaid Calling Card Services, Order and Notice of Proposed Rulemaking, WC Docket No. 03-113, FCC 05-41, at ¶ 16 (rel. Feb. 23, 2005); Petition at 22 & n.18.

²⁴ Petition for Declaratory Ruling that AT&T’s Phone-to-Phone IP Telephony Services are Exempt from Access Charges, Order, 19 FCC Rcd. 7457 (2004).

²⁵ Id. at ¶ 119.

²⁶ Petition at 6-7 & n. 5.

cents per call²⁷ – a very high amount in an era when long traditional carriers’ long distance average revenue is pennies per minute – such noncompliance would soon have an impact on PSPs and ultimately on the responsible telecommunications services providers that do comply with these regulatory burdens.

The Commission should take action in the IP-Enabled Proceeding and confirm that telecommunications services providers utilizing IP technology in phone-to-phone VoIP calling are not and have not been exempt from the obligations to comply with the Commission’s rules, including those for payphone compensation.

C. PSTN-to-IP calling

APCC argues that if there is any question about the regulatory status of “PSTN-to-IP” calling, the Commission should resolve any ambiguity in favor of finding that IP-enabled service providers have the obligation to comply with the requirements, including the paying PSPs for “dial-around” calls.²⁸ If IP-enabled providers are not to be subject to the payphone compensation rules, APCC argues the Commission “must rule” that the traditional carrier that hands off the call to the IP-enabled provider must be deemed responsible for paying the PSP for that call.²⁹

Sprint agrees with APCC that IP-enabled service providers should be subject to the payphone compensation rules. But APCC is utterly wrong in suggesting that the

²⁷ Default Compensation Rate for Dial-Around Calls from Payphones Increased to \$.494, 69 Fed. Reg. 52444 (Aug. 26, 2004).

²⁸ Petition at 20.

²⁹ Petition at 26.

Commission can, much less that it must, deem the last traditional carrier in the call path responsible for downstream IP-enabled providers or resellers.

1. An IP-enabled provider that terminates a payphone-originated call should be regarded as a Completing Carrier and subject to the payphone compensation rules.

Sprint agrees that where termination in IP is incidental to the nature of the service – which is invariably the case for payphone-originated calling today -- the IP-enabled service provider is a completing carrier and has the obligation to comply with the rules, including the obligation to pay compensation for its calls. APCC contends that this approach “serves the purposes of the compensation rules and section 276.”³⁰ As long as payphone compensation is based on a carrier-pays rule, Sprint agrees the Commission should ensure all providers are equally situated.

Otherwise, the Commission’s rule would discriminate against traditional providers by artificially exempting some providers from the obligation to track, report, and pay for non-commissioned coinless calls from payphones. It would effectively penalize responsible carriers that do pay per-call compensation to PSPs; that comply with the tedious and expensive payphone tracking, reporting, audit, certification, and record-keeping rules; and indeed that comply with the many other requirements applicable to providers of telecommunications services. It would reward and even encourage regulatory arbitrage based on the technology used, instead of letting IP technology compete on its own merits, based on efficiency and quality. It would distort the payphone calling market by shifting dial-around traffic to IP formats.

³⁰ Petition at 23, citing 47 U.S.C. § 276.

As Sprint explained in its comments in the IP-Enabled Proceeding, the appropriate regulatory framework for VoIP is the framework for all voice calls.³¹ That means VoIP service providers should be assured of interconnection rights, access to UNEs, and access to telephone numbers. It also means they should be subject to the current access regime and its subsequent reforms. Similarly, VoIP providers should be subject to the same social goals that Congress has applied to communications, including universal service support, access for disabled consumers, and E911/911. It follows that any obligations to payphone owners adopted under a carrier-pays regime should apply equally to all voice providers as well.

Sprint agrees with APCC that somehow exempting PSTN-to-IP calling from the payphone compensation rules would be inconsistent both with Congress's goals in section 276 and the considerations discussed in the IP-enabled services NPRM.³² It would do little to promote competition in the payphone industry or the widespread deployment of payphones for the benefit of the general public. It would serve only to create artificial regulatory distortions unfairly advantaging for IP-based technology and VoIP providers, while likely preventing PSPs from being compensated for a growing percentage of completed calls.

2. An Intermediate Carrier cannot be held responsible for the payphone compensation obligations of a downstream VoIP provider.

APCC is wrong to argue that to the extent that the Commission finds VoIP providers are not subject to dial-around compensation obligations, "the Commission must

³¹ Sprint VoIP Comments at 19.

³² Petition at 23, 25.

rule that the compensation obligation falls on the carrier that delivers a call to an IP-enabled service provider.”³³ The Commission cannot and should not grant APCC’s request.

To begin with, APCC has made no showing that IXC’s, rather than PSP’s, should bear the consequences of any determination that VoIP providers are not subject to payphone compensation rules. Frankly, it would make no sense for this burden to be imposed on IXC’s. The only predicate for excusing VoIP providers from the payphone compensation rules is the assumption that the communication involved is not actually a phone call. If it is not a phone call, but an information service, then PSP’s would not be entitled to compensation in the first place – from anyone.

Beyond that, such action would require a full notice and comment rulemaking. That would serve only to delay action on other issues in the IP-Enabled Proceeding – issues more pressing and more deserving of Commission action than APCC’s eleventh-hour petition.

The Commission’s payphone compensation rules, moreover, have already had a long and tortured history. Its payphone rules have already been struck down by appellate courts several times,³⁴ and it would doubtless happen again if APCC’s request here were granted. This is not the first time that APCC has sought to make IXC’s responsible for the obligations of other carriers. In 2001, the Commission modified the payphone rules to shift from the completing carrier to the “first-switch IXC” the responsibility to pay PSP’s

³³ Petition at 26.

³⁴ E.g., Illinois Pub. Telecoms. Ass’n v. FCC, 117 F.3d 555 (D.C. Cir. 1997), clarified on reh’g, 123 F.3d 693; MCI Corp. v. FCC, 143 F.3d 606 (D.C. Cir. 1998); Sprint Corp. v. FCC, 315 F.3d 369 (D.C. Cir. 2003).

for payphone calls.³⁵ Those rules “changed” and “modified” the original “last-switch-pays” rules by shifting to first switch IXC’s the completing carriers’ obligations to pay the payphone owner and the PSP’s costs of collection and bad debt. On remand from the D.C. Circuit’s vacatur, the Commission properly rejected those flawed and unfair rules, and returned to the last-switch pays regime, where each carrier pays for the calls that it completes.³⁶

The current rules again make the completing carrier the party responsible for paying the PSP for use of the payphone for the coinless call. The Commission found, appropriately, that the carrier that completes the call is the “primary economic beneficiary” of the use of the payphone, and so – consistent with payphone rules since 1996 -- properly should be the party responsible.³⁷ It is the party whose customer makes that call, and who bills the customer for the call. The Commission also recognized that the completing carrier is the only party who can know whether the call is completed and therefore compensable to the PSP.³⁸ The Commission also found that IXCs do not, by

³⁵ In the Matter of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Second Order on Reconsideration, 16 FCC Rcd 8098 (2001), vacated, Sprint Corp. v. FCC, 315 F.3d 369 (D.C. Cir. 2003).

³⁶ In the Matter of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Report and Order, 18 FCC Rcd 19975 (2003) (subsequent history omitted) (“2003 Payphone Order”). The new rules – codified at 47 C.F.R. §§ 63.1300-63.1320 -- added extensive new requirements for reporting calls, auditing tracking and payment systems, certifying payment data by chief financial officers, retaining call verification records, and filing of contact information for PSP inquiries.

³⁷ 2003 Payphone Order at ¶ 28. See also Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Report and Order, 11 FCC Rcd 20541 at ¶ 83 (1996) (subsequent history omitted).

³⁸ Id. at ¶ 29.

virtue of any contractual relationship with downstream resellers, have power that would enable them to secure call completion information from downstream carriers.³⁹

These findings can be no different simply because the downstream reseller may be an IP-enabled carrier or VoIP provider. In fact, an IXC cannot necessarily know whether IP or traditional technology is being used by a downstream reseller, or whether a call is being handed off to a VoIP-provider, or whether the called party number is actually an IP address. Payphone tracking systems do not distinguish between calls based on the technology that may or may not be utilized by a downstream carrier or provider, and it is unreasonable to assume that they could do so, much less with the necessary reliability. Any regime that shifts responsibility from a VoIP provider that completes the payphone call would place innocent carriers in the same middleman role that the Commission found worked poorly with switch-based resellers' calls under the vacated rules. In fact, Sprint suspects that carriers that today may utilize both traditional and IP technologies in some cases may be unable to track payphone calls separately based on the technology in the call path.⁴⁰

Regardless, the Commission need not even reach these issues, because it would also be plainly unlawful for the Commission to adopt APCC's request. In its order adopting the current payphone rules, the Commission recognized that it is neither "fair" nor "the most effective way to ensure that PSPs were fairly compensated" for one carrier

³⁹ Id. at ¶ 20.

⁴⁰ Such a rule might also needlessly compromise the reliability of payphone tracking systems, scarcely a year after carriers were obliged to update them to reflect new rules and then have them independently audited.

to be obliged to pay for the obligations of another.⁴¹ In rejecting calls to re-impose the first-switch pays rule that the DC Circuit had vacated, the Commission acknowledged the court's prior ruling that the Commission may not lawfully require one provider to pay for the obligations of another, and certainly not for administrative convenience.⁴² The Commission its own finding, in a prior payphone-related order, that it is neither "equitable" nor "lawful" under section 276 to "require one company to bear another company's expenses."⁴³ The fact that one provider may utilize IP technology in the call path, or that the call may terminate to an IP rather than a PSTN connection, can make no difference.

D. Rather than modify the payphone rules to clarify that they apply to VoIP providers, the Commission should release a comprehensive order confirming VoIP providers are subject to Title II requirements.

APCC argues that the Commission should begin a rulemaking to "amend the payphone rules" so that they "clearly require" that VoIP service providers must track and pay for calls they complete, and so that they "prohibit intermediate carriers from interrupting" transmission of flex ANI digits and payphone identifiers.⁴⁴ Rather than amending the rules, Sprint believes the Commission should instead issue an order in the

⁴¹ 2003 Payphone Order at ¶¶ 21, 24. See also *id.* at ¶ 25 (noting that section 276 envisions "a plan that is fair to all parties").

⁴² *Illinois Pub. Telecoms. Ass'n v. FCC*, 117 F.3d 555, 565 (D.C. Cir. 1997), clarified on reh'g, 123 F.3d 693 (D.C. Cir. 1997), cert. denied sub nom. Virginia State Corp. Comm'n v. FCC, 523 U.S. 1046 (1998).

⁴³ 2003 Payphone Order at ¶ 31 & nn.83-84, citing *Illinois*, 117 F.3d at 656, and Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Fifth Order on Reconsideration and Order on Remand, 17 FCC Rcd 21274 at ¶ 32 (2002).

⁴⁴ Petition at 28.

IP-Enabled Proceeding and confirm that VoIP providers are “carriers” within the meaning of the statute and thus under the Commission’s rules. Amending the payphone compensation rules should then be unnecessary.

In releasing the IP-Enabled Proceeding order, the Commission can confirm that VoIP providers must track IP-type calls just as traditional carriers must do, and transmit the same flex ANI payphone line identifiers that LECs and IXC’s are expected to provide throughout the call path. That has long been a fundamental requirement within the payphone rules, and carriers invested heavily to implement flex ANI capability, something that the Commission adopted in 1996.⁴⁵ If VoIP providers find tracking payphone calls impractical, and if they do not wish to block payphone-originated calls, they can contract out the tracking responsibility or attempt to negotiate Alternative Compensation Arrangements with PSPs, as allowed under the existing payphone rules.

V. THE COMMISSION SHOULD NOT ALLOW APCC’S REQUEST FOR RULEMAKING ON IP-ORIGINATED PAYPHONE CALLING TO DELAY ACTION IN THE IP-ENABLED SERVICES PROCEEDING.

In addition to seeking what should be unnecessary amendments to the payphone rules, APCC’s Petition also asks that the Commission commence a supplemental rulemaking “to revise the current rule to make clear that it applies equally to dial-around calls that originate in IP.”⁴⁶ APCC asks that the Commission act “expeditiously” to “initiate the requested supplemental rulemaking,” even though it acknowledges that

⁴⁵ Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Report and Order, 11 FCC Rcd 20541 (1996) (subsequent history omitted); Order on Reconsideration, 11 FCC Rcd 21233 (1996) (subsequent history omitted).

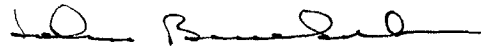
⁴⁶ Petition at 3.

payphones do not currently use IP technology or VoIP providers, and that IP-originated calling is not a “viable alternative” for payphones today.⁴⁷ Its request for rulemaking on that issue cannot claim to be as critical and time-sensitive as many other issues pending in the IP-Enabled Proceeding.

Sprint takes no position on APCC’s petition for rulemaking at this time, except to note that its consideration should not be allowed to delay issuance of an order addressing all VoIP issues in the IP-Enabled Proceeding. There, Commission action grows more important for the public and the entire industry with each passing month.

Respectfully submitted,

SPRINT CORPORATION



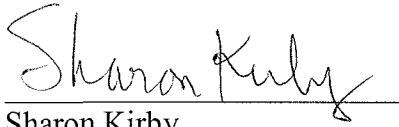
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⁴⁷ Motion at 2; Petition at 15-16.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Comments of Sprint Corporation in WC Docket No. 05-176 were sent by electronic mail or first class mail on this 23rd day of May, 2005, as noted below.


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